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177 Pa. 643; *Matter of White Plains Water Com'rs*, 176 N. Y. 239; *Spaulding v. Peabody*, 153 Mass. 129; *Queens Co. Water Co. v. Monroe*, 83 N. Y. App. 105.

PROCESS—EXEMPTION FROM SERVICE OF NON-RESIDENT DEFENDANT.—The defendant, a resident of the state of Minnesota, had gone into the state of venue, without extradition, to answer the charge of embezzlement. After his discharge on bail but before leaving the court room he was served with a summons, complaint, and order for arrest, in a bail and arrest proceedings. He then filed a petition for a writ of habeas corpus which was denied in the lower court. *Affirmed* on the ground that the reason for the rule which exempts witnesses and parties to a civil suit from service of process in another action is not present here. The reason of the rule as given is that since such persons cannot be compelled to submit themselves to the civil jurisdiction of the courts of a foreign state, furtherance of justice requires that they should be privileged from service of process in order to secure their voluntary attendance. *Ex Parte Hendersen* (N. D. 1914), 145 N. W. 574.

The court in arriving at this decision follows what seems to be the weight of authority on a question of which the courts have taken opposite views. Of the contrary holding the following are the leading cases: *Murray v. Wilcox*, 122 Ia. 188, 97 N. W. 1087, 64 L. R. A. 534, 101 Am. St. Rep. 263; *Kaufman v. Gardner*, 173 Fed. 550; *Martin v. Bacon*, 76 Ark. 158; 6 A. & E. Ann. Cas. 336; *Moletor v. Sinned*, 76 Wis. 308, 7 L. R. A. 817, 20 Am. St. Rep. 71; *Hattabaugh v. Boynton*, 140 Wis. 89. Without exception the above cases rely on cases involving civil suits as authority for the proposition that the defendant should be exempt from service of process. Some of them recognize that other courts have drawn a distinction between civil and criminal actions, but refuse to consider the distinction as a valid one, either because as they say to do so would be to incorporate in the rule a refinement that was never intended, or that it would tend toward a corrupt use of the power of extradition. It would seem that the latter objection is overcome by the fact that a remedy is given by law for an abuse of the power of extradition. If the reason for the rule is that given in the instant case (and all the courts agree that such is the reason), then the result arrived at is undoubtedly correct, for in criminal cases where the power of extradition exists, the reason for the rule failing the rule itself has no application.

SALES—DELIVERY AS A CONDITION PRECEDENT TO PASSAGE OF TITLE.—Plaintiff sold coal to defendant, to be delivered "alongside" vendee's "dock at Syracuse, N. Y." When two canal-boat-loads of coal arrived at Syracuse, and approached to within 300 or 400 feet of vendee's dock, the boat captain notified vendee of their arrival, and an entry of the time of arrival and the quantity of coal was made in the books of the vendee. The boat could not be docked because other boats occupied the docks, and in accordance with traffic rules, the boats moved to the opposite side of the canal; by reason of a break in the canal and without fault of the vendor the coal was lost.